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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
TILLERY, RASHAWN N				
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE		DELIVERY MODE		
09/08/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/581,460

**Applicant(s)**

BARLETTA ET AL.

**Examiner**

RASHAWN TILLERY

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 6/15/09, 8/6/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed 6/15/2009.
2. Claims 9-28 are pending in this application. Claims 9, 15 and 23 are independent claims. In the instant Amendment, claims 9-28 were amended. This is a Non-Final action on the RCE filed 6/15/2009.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-12, 15-19 and 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ho et al ("Ho" US 2003/0210226).

Regarding claim 9, Ho discloses a multimedia preview system in a client/server-based network environment for browsing content of requested multimedia data to be previewed, the content to be displayed on a client terminal for accessing a multimedia server configured to hold the requested multimedia data (see paragraphs [0046] and [0102]), the multimedia preview system comprising:

an interface configured to receive commands indicating a speed at which the multimedia preview system is to browse through at least one of text and an image associated with the requested multimedia data (see paragraphs [0003], [0010] and [0050] where browsing speed of an electronic book is discussed); and

controlling means for adapting a detail level of a presentation of the at least one of the text and the image, depending on at least markup tags associated with the requested multimedia data and a frequency of the commands, such that the detail level of the presentation of at least one of the text and the image is higher when the speed is lower and vice versa, and for changing a layout of the at least one of the text and the image, depending on the speed (see paragraphs [0010], [0050], [0076] and [0079]; Examiner notes that the level of detail shown when user flips one page at a time- i.e., in a lower browsing speed- is greater than the level of detail shown when user flips multiple pages at a time- i.e., in an increased browsing speed).

Regarding claim 10, Ho discloses means for displaying the requested multimedia data with different layouts depending on the speed (see paragraph [0079] where it is discussed that the layout of a page is changed based on a user's reading pattern).

Regarding claim 11, Ho discloses means for setting semantic focus, proportional to the speed, of the requested multimedia data (see paragraph [0076] where it is discussed that a higher resolution is provided for pages user spends more time on).

Regarding claim 12, Ho discloses means for introducing the markup tags in the requested multimedia data for changing the layout of the at least one of the text and the

image (see paragraph [0050]; Examiner notes that only flipping pages are shown with increased browsing speed).

Claims 15-18 are similar in scope to claims 9-12, respectively, and are therefore rejected under similar rationale.

Regarding claim 19, Ho discloses associating the markup tags, allowing identification of segmented parts of the multimedia data to be previewed, to the multimedia data; and synchronizing the markup tags with the multimedia data (see paragraph [0050]; Examiner notes that only flipping pages are shown with increased browsing speed).

Claims 23-28 are similar in scope to claims 9-14, respectively, and are therefore rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13, 14 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho in view of Van Den Hoven et al ("Hoven" US 7152210).

Regarding claim 13, Ho discloses the multimedia preview system for varying the speed and the detail level of the presentation of the at least one of the text and the image, depending on at least the frequency of the commands instructing the multimedia

preview system to change the speed such that the detail level is higher when the speed is lower and vice versa (see paragraphs [0010], [0050], [0076] and [0079]; Examiner notes that the level of detail shown when user flips one page at a time- i.e., in a lower browsing speed- is greater than the level of detail shown when user flips multiple pages at a time- i.e., in an increased browsing speed).

Ho does not expressly disclose the multimedia preview system as a video-on-demand system with video browsing means. However, Hoven discloses browsing a collection of images at various speeds. In one embodiment of the invention, the collection of images could comprise one or more video streams (see col. 3, lines 45-64). It would have been obvious to an artisan at the time of the invention to modify Ho's user interface by including Hoven's teachings in an effort to provide user an easy, simple and intuitive way to browse an image collection.

Regarding claim 14, Ho does not expressly disclose the controlling means includes a touch-sensitive display configured to navigate through the requested multimedia data to be previewed. However, Hoven discloses browsing a collection of images at various speeds. In one embodiment of the invention, user can scroll images on a display screen using a finger (see col. 4, line 60 to col. 5, line 21 where stroking gesture is discussed). It would have been obvious to an artisan at the time of the invention to modify Ho's user interface by including Hoven's teachings in an effort to provide user an easy, simple and intuitive way to browse an image collection.

Regarding claim 20, Ho discloses the multimedia preview system for varying the speed and the detail level of the presentation of the at least one of the text and the

image, depending on at least the frequency of the commands instructing the multimedia preview system to change the speed such that the detail level is higher when the speed is lower and vice versa (see paragraphs [0010], [0050], [0076] and [0079]; Examiner notes that the level of detail shown when user flips one page at a time- i.e., in a lower browsing speed- is greater than the level of detail shown when user flips multiple pages at a time- i.e., in an increased browsing speed).

Ho does not expressly disclose the user commands are based on movements of a pressure across a touch-sensitive display a length of a movement path of one of the movements being directly proportional to at least one of the speed of browsing and the detail level of the presentation of the at least one of the text and the image, during the displaying the multimedia data. However, Hoven discloses browsing a collection of images at various speeds. In one embodiment of the invention, user can scroll images on a display screen using a finger (see col. 4, line 60 to col. 5, line 21 where stroking gesture is discussed). It would have been obvious to an artisan at the time of the invention to modify Ho's user interface by including Hoven's teachings in an effort to provide user an easy, simple and intuitive way to browse an image collection.

Regarding claim 21, Ho does not expressly disclose the user commands are based on forces exerted to a surface of a touch-sensitive display, one of the forces being directly proportional to at least one of the speed of browsing and the detail level of the presentation of the at least one of the text and the image, during the displaying the multimedia data. However, Hoven discloses browsing a collection of images at various speeds. In one embodiment of the invention, user can scroll images on a display screen

using a finger (see col. 4, line 60 to col. 5, line 21 where stroking gesture is discussed). It would have been obvious to an artisan at the time of the invention to modify Ho's user interface by including Hoven's teachings in an effort to provide user an easy, simple and intuitive way to browse an image collection.

Regarding claim 22, Ho does not expressly disclose the commands are based on a duration of forces exerted to a surface of a touch-sensitive display, the duration being directly proportional to at least one of the speed of browsing and the detail level of the presentation of the at least one of the text and the image, during the displaying the multimedia data. However, Hoven discloses browsing a collection of images at various speeds. In one embodiment of the invention, user can scroll images on a display screen using a finger (see col. 4, line 60 to col. 5, line 21 where stroking gesture is discussed). It would have been obvious to an artisan at the time of the invention to modify Ho's user interface by including Hoven's teachings in an effort to provide user an easy, simple and intuitive way to browse an image collection.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 9-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***



8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is 571-272-6480. The examiner can normally be reached on M-F 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RASHAWN TILLERY/  
Examiner, Art Unit 2174

/Adam L Basehoar/  
Primary Examiner, Art Unit 2178